

SENATE BILL NO. 18

INTRODUCED BY J. SHOCKLEY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A LEVEL 2 OR 3 SEXUAL OFFENDER WHO COMMITTED AN OFFENSE INVOLVING A MINOR MAY NOT, WHILE ON PROBATION OR PAROLE OR UNDER A DEFERRED OR SUSPENDED SENTENCE, RESIDE WITHIN 1,000 FEET OF A PRIVATE OR PUBLIC ELEMENTARY OR HIGH SCHOOL, PRESCHOOL, LICENSED DAY-CARE CENTER, CHURCH, OR PARK; AND AMENDING SECTION 46-18-255, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 46-18-255, MCA, is amended to read:

"46-18-255. Sentence upon conviction -- restriction on employment and residency. (1) A judge sentencing a person upon conviction of a sexual or violent offense shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant reasonable employment or occupational prohibitions and restrictions designed to protect the class or classes of persons containing the likely victims of further offenses by the defendant.

(2) In addition to any restriction on employment imposed under subsection (1), a judge sentencing a person convicted of a sexual offense involving a minor and designated as a level 2 or 3 offender under 46-23-509 shall, as a condition to probation, parole, or deferment or suspension of sentence, impose upon the defendant ~~restrictions on the defendant's residency in the proximity~~ a restriction prohibiting the defendant from residing within 1,000 feet of a private or public elementary or high school, preschool as defined in 20-5-402, licensed day-care center, church, or park maintained by a city, town, or county."

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